

Claim 24. (original) The method of claim 18, wherein said contacted solid support binds less non-human protein than a control support without said blocking agent.

REMARKS

5 Applicants respectfully request examination of the amended claims plus reconsideration of the application in view of the following remarks.

- I. Status of the Application
- II. The Invention
- 10 III. The Amendments
- IV. The Non-Art Rejections
- V. The Non-Art Rejections
- VI. Summary

I. STATUS OF THE APPLICATION

15 Claims 1-24 are pending and under examination.

The Specification was objected to for an allegedly excessively long abstract (MPEP §608.01(b))

Claims 1-18 and 20-24 stand rejected under 35 U.S.C. §102(b) as allegedly unpatentable over Yelton, et al (EP 699,756).

20 Claims 1-6 and 18-19 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Lowman, et al (USP 6,172,213).

II. THE INVENTION

The present invention relates generally to a method for identifying a binding molecule having selective affinity for a ligand.

III. THE AMENDMENTS

A. The Amended Claims

Claim 1 has been amended to incorporate the subject matter of Claims 2-5. No new matter is added as Claims 2-5 were in the original specification. , Claim 1 has been further
5 amended to recite that the antibody library (at (a)(ii)) comprises "about 10^4 or more of different binding molecule species." Support for this amendment is found, e.g., at [0040] of the specification. Accordingly, no new matter has been added.

IV. THE NON-ART OBJECTIONS

The abstract was objected to for length and use of improper terminology (MPEP 608.01).
10 Applicants thank the Examiner for the suggestion and have amended the abstract accordingly.

V. THE ART REJECTIONS AND OBJECTIONS

A. The 35 U.S.C. §102 Rejection over Yelton

Claims 1-18 and 20-24 stand rejected under 35 U.S.C. §102(b) as allegedly
15 unpatentable over Yelton, et al (EP 699,756). Applicants respectfully traverse the rejection as it may apply to the presently amended claims.

Specifically, the Office alleges that Yelton discloses (page 19, line 11 up to page 20, line 7) a method of contacting nitrocellulose filters (solid support, as claimed) blocked with a blocking buffer (page 26, lines 22-26) to prevent nonspecific binding of
20 antibodies and coated with goat anti-human kappa light chain conjugated to alkaline phosphatase and then, contacted with BR phage. See further the cited Huse reference, (J.Immunol.) which describes the coating of support. Also, page 16, lines 5-50; page 24, lines 35-40. Yelton discloses at page 21, line 54 that the method further comprises binding the above BR96 with tumor cell line, H3396. See also all the examples,
25 specifically Example 5 at page 32. The specific method steps of Yelton using specific components fully meet the broad claimed method comprising the broad claimed steps using broad components.

The standard for anticipation. Anticipation requires the disclosure in a single prior art reference of each element and every of the claim under consideration. *In re*

5 *Spada*, 15 USPQ2d 1655 (Fed. Cir. 1990); MPEP §2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the claim.” *Connell v. Sears Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Yelton fails to teach each and every element of the presently amended claims. Specifically, Yelton does not teach creation of an antibody library comprising “about 10⁴ or more of different binding molecule species” as presently recited in Claim 1 (a)(ii).
10 The BR96 mutations were merely generated by deletion/stop templates (see, line 15 at [0236]). Furthermore, the codon-based oligonucleotides were synthesized with a 50% bias for the parent BR96 CDR sequences (see, lines 22-23 of [0237] and (Glaser, et al., 1992 J. Immunol. 149:3902-3913) describing the method. Consequently, by failing to claim each and every element of the newly amended claims, Yelton fails to anticipate.
15 Accordingly, Applicants respectfully request the rejection be withdrawn.

B. The 35 U.S.C. §102 Rejection over Lowman

Claims 1-6 and 18-19 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Lowman, et al (USP 6,172,213). Applicants respectfully traverse the rejection as it may apply to the presently amended claims.

20 As stated above and incorporated here, anticipation requires disclosure in a single prior art reference each and every element of the claims under consideration. Lowman describes taking F(ab)-phage that are bound to the solid support (i.e., plate) and eluting them from the solid support and propagating them with helper phage (see, col. 74, lines 53-55). Applicants’ Claim 1 method does not elute the antibody bound solid
25 support as it uses this complex to further capture antigen/s in a sample. Lowman is merely describing affinity selection methods unlike the antigen capture of Applicants. Accordingly, by failing to specify each and every element of Applicants’ claims, Lowman fails to anticipate. Consequently, Applicants respectfully request withdrawal of the rejection.

V. SUMMARY

For all the reasons set forth herein, Applicants believe that the rejections directed to: Claims 1-18, and 20-24 have been overcome for allegedly being anticipated (§102(b)) in view of Yelton, et al (EP 699,756) or anticipated under §102(e) in view of Lowman, et al 1995 (USP 6,172,213).

Conclusion

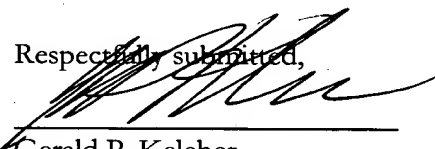
Applicants maintain that the present claims (Claims 1-24) clearly and patentably define the present invention. Accordingly, Applicants respectfully request reconsideration and passage of the pending claims to allowance at the earliest possible convenience.

Should the Examiner deem allowance is not appropriate at this time, Applicants respectfully request an interview be granted with the undersigned to discuss any outstanding issues. Applicants believe that this reply is complete, fully responsive to all issues of the outstanding Office Action and a bona fide attempt to advance the application to allowance. If the Examiner believes that prosecution could be expedited by a teleconference, Applicants encourage the Examiner to discuss any point raised in the Office Action with Applicants' representative at (317) 276-3964.

Applicants' representative has calculated that fees of \$1020.00 are due for this amendment. However, if this calculation is in error, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0840 in the name of Eli Lilly & Co.

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Respectfully submitted,


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Enclosures and attachments: None

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